

Comments from the Roads Maintenance Regional Forum On the Preliminary Draft of the Municipal Phase II Permits.

Special Condition 1.

S1. B.1. - A small MS4 is a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels and/or storm drains which is.

Delete “including roads” and “municipal streets.” Road surfaces are not part of the MS4 system.

S1. B.1. a. - Owned or operated by a city, town, county, district, association or other public body (created pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer districts, flood control districts or drainage districts, or similar entity;

Delete “industrial wastes” and “or other wastes” Solid waste regulations regulate wastes. Clarify that this permit is addressing only stormwater related to these entities, such as substituting “discharges” for “waste”.

S1. B.1.f. - Small MS4s include systems similar to separate storm sewer systems in municipalities, such as systems at universities, large publicly owned hospitals, prison complexes, and highways and other thoroughfares. Storm sewer systems in very discrete areas such as individual buildings do not require coverage under this permit.

DELETE: “and highways and other thoroughfares.” Road surfaces are not part of the MS4 system.

B.2.c. - The small MS4 is not eligible for a waiver or exemption under S1.C below.

Confusing – indicates that the exemptions in S.1.C are not available. –

Suggested language - delete B.2.c

C.1.d. - In determining the total population served, both resident and commuter populations shall be included.

Confusing – the definition of commuter is overbroad

Suggested language – remove the term “commuter” - transient or working populations are defined in sections i, ii, and iii.

D.2.a -All other regulated small MS4s shall apply either as a Secondary Permittee or as a Co-permittee with a City or County.

This can result in significant cost – unfunded mandate for the regulated cities and counties.

Special Condition 2

A.1 & A.2 – New stormwater discharges constructed ... that have received all applicable state and local permits and use authorizations, including compliance with Ch. 43-21C RCW...

The definition of new stormwater discharges includes new stormwater sources from any activity that triggers Appendix I. This can mean that activities such as a project that adds 5,000 square feet of impervious surface, or converts $\frac{3}{4}$ of an acre from native vegetation to lawn or landscaped area, etc. will need SEPA consideration. Need to change definition of new stormwater sources or exclude new stormwater sources from the definition of new stormwater discharges. See the changes in the definitions section.

A.3. - Stormwater discharges to ground waters of the state are covered under this permit, except that stormwater discharges to ground waters of the state that discharge through facilities regulated under the Underground Injection Control (UIC) program, Chapter 173-218 WAC, are not covered under this permit.

Stormwater conveyance systems that are not specifically designed to discharge directly to the water table should be excluded from the UIC program.

A.4 - Stormwater discharges to ground waters not in hydraulic continuity with surface water are covered in this permit only under state authorities, Chapter 90.48 RCW, the Water Pollution Control Act, and Chapter 173-226 WAC, the Waste Discharge General Permit Program.

The language of this section needs to clearly state that these water bodies are not regulated under this permit and are only regulated as water of the state.

Suggested language – “Stormwater discharges to ground waters, using UICs, not in hydraulic continuity...”

C - This permit authorizes discharges from fire fighting activities, except training exercises, unless the discharges from fire fighting activities are identified as significant sources of pollutants to waters of the State.

Delete from “exercises,” to the end of the sentence. Firefighting activities cannot cease if runoff is causing water quality exceedences.

D - This permit does not authorize *illicit discharges* except as allowed in Special Condition S7.C.3. *Illicit Discharges Detection and Elimination*, nor does it relieve entities responsible for illicit discharges, including spills of oil or hazardous substances, from responsibilities and liabilities under state and federal laws and regulations pertaining to those discharges.

Change “entities” to “responsible parties” as defined in 173-303 WAC, 173-340 WAC.

Special Condition 3.

No comments

Special Condition 4.

No comment

Special Condition 5.

This permit is supposed to be based on the presumptive approach using best management practices (BMPs) to the maximum extent practicable (MEP) using all known and reasonable technologies (AKART). This section is targeting direct discharges instead of the operation and maintenance of the system.

B. - To meet the requirement to reduce the discharge of pollutants to the MEP, each Permittee shall comply with the requirements of this permit.

It must be clearly stated that meeting the terms and conditions of this permit is fulfilling MEP. As a result of this statement, the permit language must be precise and eliminate “open ended” requirements that can allow the permit to be changed or modified without permittee review.

Suggested language – “The permittee will have met the requirement of using best management practices (BMPs) to the maximum extent practicable (MEP) using all known and reasonable technologies (AKART) by fulfilling the terms and conditions of this permit.”

S5. C. New Stormwater Discharges

The definition of new stormwater discharges includes new stormwater sources from any activity that triggers Appendix I. This can mean that activities such as a project that adds 5,000 square feet of impervious surface, or converts $\frac{3}{4}$ of an acre from native vegetation to lawn or landscaped area, etc. will need SEPA consideration. Need to change definition of new stormwater sources or exclude new stormwater sources from the definition of new stormwater discharges. See the changes in the definitions section.

Delete - “new storm water sources” and “including all sources contributing to the new storm water outfall.”

C.1.a. - That new stormwater discharges are not allowed to cause or contribute to a violation of applicable surface water, ground water and sediment management standards... .

The language in this section infers that the municipality needs to determine if a violation is occurring. Contributions to violations are addressed in the TMDL program not this permit, if discharge is meeting BMP requirements using MEP and AKART then the presumption is that no violation is occurring.
Change - Eliminate the section

C.2. - If, prior to authorization of a new stormwater discharge, site-specific information indicates that the technical standards in this permit.... Are no sufficient to protect beneficial uses of the waters... the additional controls necessary in accordance to protect beneficial uses must be applied.

The definition of site-specific information must be changed to include that only the permittee or authorized agents of the permittee will supply site specific information that can change the conditions of the discharge.

C.2. - The additional controls determined necessary to protect beneficial uses must be in place prior to the discharge from the new stormwater source or outfall.

Delete – “or outfall” from last sentence. Under the current definitions any new source in a MS4 system will cause an existing outfall to become a new outfall and will cause the permittee to be out of compliance with this permit.

D. - Ecology may modify or revoke and reissue this general permit in accordance with General Condition G14., if Ecology becomes aware of additional control measures, management practices or other actions beyond what is required in this permit, that are necessary to reduce the discharge of pollutants to the MEP or to protect water quality.

Repetitive of General Condition 14, this section is not needed.

Remove from “that are necessary to reduce” to the end of the sentence.

Special Condition 6.

The monitoring program as outlined in S6 of the Phase II permit should be deleted. The questions asked by Ecology are research questions best answered by independent research institutions after an adequate review of what is known and what is needed to answer these questions. Small MS4s can provide assistance to these institutions in the form of sites, facilities, and possibly manpower and equipment. However, the need for appropriate experimental designs to answer the permit questions is paramount to the success of the monitoring. The cost of doing the monitoring outlined in the permit is relatively high and would be a waste of limited funds if the experimental design, sample collection and sample analysis were not appropriate. In addition, the questions asked in the permit are not specific to one MS4, collection of MS4's, County, City or WRIA, but can be answered for the entire Puget Sound area. Ecology does not have the staffing and in house expertise to review and approve each study required within this section which could bring the results into question.

S6.Box- Ecology is requesting comments on the objectives of the proposed monitoring program. We are interested in assessing the effect of implementing the stormwater management programs required under this permit. This includes looking at receiving waters, stormwater quality and BMP effectiveness. The information gained will be used to provide feedback for local stormwater management programs and Ecology's permitting program. Should Ecology require integrated, collaborative, WRIA-scale monitoring programs? WRIA scale monitoring programs could eventually integrate monitoring among all municipal stormwater permittees, Phase I, Phase II and WSDOT. Or are independent monitoring programs adequate to development the information basis for providing feedback on stormwater management programs?

- 1) The objectives of the monitoring should first be based on the municipalities' effectiveness in implementing the Stormwater Management Program
- 2) This program should not be monitoring receiving waters.
- 3) Stormwater quality and BMP effectiveness studies that Ecology is requiring should have been completed before making it mandatory for everyone to implement.
- 4) Ecology should not require integrated, collaborative WRIA-scale monitoring programs but should offer incentives to do so.
- 5) Ecology should not require monitoring of source controls that is beyond the legal control of the permittee.

6) If water quality is not meet at the top of the mountain range it will not improve before it gets to the bay, no matter how much money is spent. This intersects the issue of the 303(d) list of streams not being reviewed for baseline natural conditions before being listed. The lack of UAA review will cost local municipalities time, effort, and funding for no environmental protection or gain

A. - Permittees shall develop a comprehensive long-term water quality monitoring program during the term of this permit. The monitoring program shall be submitted to the Department no later than 4 years from the effective date of this permit. The goal of the water quality monitoring program is to provide feedback for adaptive management of the Department of Ecology's MS4 permitting program as prescribed by the requirements of this permit, and the Permittee's Stormwater Management Program developed pursuant to S7 of this permit. The water quality monitoring program shall contribute to answering the following questions about the effectiveness of this permit and the Permittee's program in protecting water quality and beneficial uses:

Delete – “of the Department of Ecology's MS4 permitting program as prescribed by the requirements of this permit,” and *Add* – “for”

Delete – in the last sentence: “of this permit and”

A1. - Is the Stormwater Management Program required in S7 adequate to prevent adverse impacts to receiving water quality and beneficial uses from new development construction and post-construction stormwater discharges?

To answer this question requires a set of studies including a preconstruction and post-construction study; as well as studies on other areas used as controls which would represent the current development of the basin and basin in predevelopment forested conditions. Earlier forest practices studies may give some insight into the likely success of such a study. Such studies would be better answered by a research institution for the Puget Sound Region.

A.2. - Is the Permittee's Stormwater Management Program preventing impacts to water quality and beneficial uses in receiving waters? The water quality monitoring program must include long-term monitoring and may include short-term special studies. The monitoring program shall also include BMP effectiveness monitoring. The results of the monitoring program shall be used to support the adaptive management process and lead to refinements of the Stormwater Management Program.

Delete – All of A.2.

- Monitoring receiving waters is outside of local control. BMP effectiveness monitoring as it relates to receiving waters is outside of local control.
- To answer this question a trendline of each parameter will need to be developed. However, cause and effect has not been established. Only land use versus biodiversity or bio-integrity has been established. Artificial streams maybe better suited to answer the question for selected parameters
- The BMP effectiveness-monitoring program as outlined in the Phase I permit is a costly research program better suited for research institutions with assistance from small MS4s.

B.1 - Permittees may choose to participate in the development of an integrated water quality monitoring program in collaboration with the other Phase I or Phase II MS4 Permittees in the Water Resource Inventory Area(s) (WRIA) in which their MS4 is located. This collaborative effort shall be conducted as follows:

Delete – “in which their MS4 is located. This collaborative effort shall be conducted as follows:”

Special Condition 7.

There is real desire on the parts of both Phase I and Phase II permit holders to have the same organizational structure of this section of the permits so that the permits can be compared side-by-side. The consensus is that the organization of the Phase II permit is cleaner and more sensible and that the Phase I permit be reorganized to reflect the Phase II structure. The permits should follow the EPA minimum measures and organization.

A.1 - A SWMP is a set of actions and activities comprising the *components* listed in S7.B, S7.D.1 through S7.D.6, and any additional actions necessary to meet the requirements of applicable TMDLs.

There is no S7.D.1-S7.D.6. Looking at the Phase I permit it could be that this should read S7.C.1 through S7.C.5. The sentence “and any additional actions necessary to meet the requirements of applicable TMDLs.” Is too broad and exceeds the minimum measures of EPA and the (MEP) standard.

Change – “and actions necessary to meet the requirements of Section S4.”

Change – “S7.C.1 through S7.C.5. “

A.4. - The SWMP shall include an ongoing program for gathering, maintaining, and using information to track SWMP development and implementation, evaluate permit compliance/non-compliance, and to determine the effectiveness of the SWMP implementation.

The evaluation of compliance and noncompliance is Ecology’s responsibility, not the permittees.

Delete - “evaluate permit compliance/non compliance.”

A.4.a. - Each Permittee shall track the cost of development and implementation of the SWMP. This information shall be included in the annual report.

What do we really gain by tracking the cost of development and implementation? It takes time and money to do this tracking.

Change – Delete section

A.4.b. - Each Permittee shall track the number of inspections, official enforcement actions and types of public education activities. This information shall be included in the annual report.

This is a numeric exercise that neither measures effectiveness nor outcome, it should be targeted to measure outcome.

Change – Delete section

C.1. - Public Education and Outreach.

Change – Add language referring to the economy of multi-jurisdictional programs that communicate this information the public.

C.1.a.ii. - Provide and encourage participation in environmental stewardship activities including information on local stream teams and other groups devoted to water quality improvement and protection.

Using tax money for advertising, supporting, and distributing information for private or non-profit organizations should not be a permit condition.

Delete – “including information on local stream teams” to the end of the sentence.

C.1.a.iii through viii –

Have subsection language be consistent with subsection C.1.a.i

Replace - “Provide information to” with “Provide information for”

C.2. a. - No later than one year from the effective date of this permit, all Permittees shall create opportunities for the public to participate in the decision making processes involving the development, implementation and update of the Permittees entire SWMP.

Public input should be limited to development and update of the program. The implementation and operation is an agency role to meet all regulations and is not a public role.

Delete - implementation.

C.2.b. – Each Permittee must make their SWMP, the SWMP documentation required under S7.A(3) and all submittals required by this permit, including the Permittees’ annual reports available to the public on the Permittees’ website and submitted in electronic format to the Department for posting on the Department’s website.

If this permit is requiring the permittee to develop a website that contains all the required reporting documents, it is redundant to make the same information available for Ecology’s website. Many permittees do not have the expertise within their organization to develop and maintain a website. Change the language

to allow either the permittee to submit the report for publishing on Ecology's website or allow the permittee to submit a hyperlink to Ecology that links the permittees website to Ecology's website.

C.3. - Illicit Discharge Detection and Elimination

There needs to be additional clarification regarding the spill program that is required in this section. Historically, spills and releases to the environment are issues that Ecology has been mandated to address. This program could have very high costs. Staff would have to be specially trained to meet L&I requirements. Costs for this program could vary significantly year to year. If the cleanup and disposal costs were solely the responsibility of the local jurisdiction, without help from Ecology, one midnight dump of a hazardous waste could wipe out a municipalities maintenance budget.
Delete – "including spills" throughout section C.3.

There are a number of different deadlines within this program, meeting these deadlines is problematic for many municipalities. The various numbers of deadlines may not align with local jurisdictional budget schedules or legislative processes.

- | | |
|--|---|
| ◆ Instantly for new source | ◆ 2 years for spill cleanup |
| ◆ Instantly for existing outfalls converting to new outfalls | ◆ 2 years for citizen compliant line |
| ◆ 4 years for MS4 Map | ◆ 1 year for training for spills and illicit discharges |
| ◆ 2 years for ordinances | ◆ 2 years for training for illicit discharges or connections. |
| ◆ 3 years for screening | |
| ◆ 2 years for reporting and removing | |

C.3.a.v. - Upon request, and to the extent appropriate, Permittees shall provide mapping information to Co-permittees and Secondary Permittees.

Add - at a cost which recompenses the permittees of providing the data that can include costs of maintenance and upkeep of the mapping system.

C.3.b. - Each Permittee shall develop and implement an ordinance or other regulatory mechanism to effectively prohibit non-stormwater, illegal discharges, and/or dumping into the Permittee's municipal separate storm sewer system to the maximum extent allowable under State law. The ordinance or other regulatory mechanism shall be adopted no later than 2 years from the effective date of this permit. The ordinance or other regulatory mechanism shall:

How a local agency develops and implement these programs rests with the local municipal governments.

Delete - "ordinance or other regulatory"

C.3.b.i. - Effectively prohibit all types of non-stormwater discharges into the MS4 operated by the Permittee other than: those authorized under a separate NPDES permit. The categories of non-stormwater discharges listed below must be addressed only if identified as a significant contributor of pollution to the regulated small MS4. As necessary, the Permittee(s) shall incorporate appropriate control measures in the permittee's SWMP to ensure these discharges are not significant sources of pollutants to waters of the state. Non-stormwater discharge categories include:

The permittee can attempt to reduce or minimize the non-stormwater discharges described in this section through mechanisms put in place, education or inspections of the MS4 system but has limited control over areas they have no ownership and control or over naturally occurring conditions. Requiring the Stormwater Management Plan to identify significant sources of pollutants and effectively prohibit these discharges are not realistic.

Delete - all of "i".

C.3.b.i. - The categories of non-stormwater discharges listed below must be addressed only if identified as a significant contributor of pollution to the regulated small MS4.

There is no definition of significant contributor of pollution.

Change – Pollution to Pollutants.

Add in definitions – Significant Contributor of Pollutants is a party or entity, which is discharging stormwater runoff to a surface water body or groundwater body, containing levels of pollutants that would ensure a violation of water quality standards when viewed by an informed observer. (Include same definition in the Construction and UIC permit programs).

C.3.c.ii. - Each Permittee shall prioritize receiving waters for screening for illicit connections and other illicit discharges and shall conduct field screening of all outfalls into three high priority water bodies no later than the three years from the effective date of this permit, and shall conduct field screening on at least one water body per year thereafter. Screening for illicit connections shall be conducted using: Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments, Center for Watershed Protection, October 2004, or an equivalent methodology.

The language “and other illicit discharges” is undefined and can be broadly interpreted. Before inclusion in this permit, this concept needs to be clearly defined and delineated.

Delete – “and other illicit discharges.”

Delete – Section after “. . . per year thereafter.” To the end of the section. Guidance Manuals are not regulatory instruments. By including it as a requirement, this permit condition makes it a regulation.

C.3.c.iii. - No later than 2 years from the effective date of this permit, adopt and implement procedures for reporting and correcting or removing illicit connections and other illicit discharges when they are suspected or identified.

The language “and other illicit discharges” is undefined and can be broad interpreted. Before inclusion in this permit, this concept needs to be clearly defined and delineated.

Delete – “and other illicit discharges.”

C.3.c.iv. - No later than 2 years from the effective date of this permit, develop and implement procedures to prevent, respond to, and clean up spills and improper disposal into municipal separate storm sewers owned or operated by the Permittee. Investigate or refer to the appropriate agency, within 7 days on average, any complaints/reports or monitoring information that indicates a potential illicit discharge, spill, or illegal dumping. Investigate or refer as soon as possible within 24 hours, those problems/violations judged to be urgent or severe, or reported as emergencies.

Delete – “prevent, respond, to, and”

Add – “investigate or refer to the appropriate agency.” After “disposal into”

C.3.d.i. - Training shall be provided to those responsible for identification, investigation, termination, cleanup, and reporting illicit discharges, including spills, improper disposal, and illicit connections. Initial training shall be completed no later than one year from the effective date of this permit. Permittees shall conduct refresher training on an annual basis thereafter.

Delete – “termination, clean-up”

Delete – “illicit discharges, including spills, improper disposal, and”

Delete – “annual basis”

Replace with - “every 3 years”

C.3.D.ii. - All municipal field staff, which as part of their normal job responsibilities might come into contact with or otherwise observe an illicit discharge or illicit connection to the storm sewer system shall be trained on the identification of an illicit discharge/connection and on the proper procedures for reporting the illicit discharge/connection. Initial training shall be completed no later than 2 years from the effective date of this permit. Permittees shall conduct refresher training on an annual basis thereafter.

Delete - “illicit discharge or”

Delete - “illicit discharge/”

Delete - “illicit discharge/”

Delete – “annual basis”

Replace with - “every 3 years”

C.4.a. - An ordinance or other enforceable mechanism that addresses runoff from new development, redevelopment, and construction site projects. The ordinance or other enforceable mechanism shall be in place no later than one year from the effective date of this permit. At a minimum, this program shall be applied to all sites that disturb a land area 1 acre or greater, including projects less than one acre that are part of a larger common plan of the development or sale. Requirements of the ordinance shall include, but is not limited to the following:

Delete – “ordinance or other”

Delete – “ordinance or other”

Delete – “of the ordinance”

C.4.a.i. - The Minimum Requirements, technical thresholds, and definitions in Appendix 1 for new development, redevelopment, and construction sites must be included in the ordinance or other enforceable mechanism adopted by the local government. More stringent requirements may be used, and/or certain requirements may be tailored to local circumstances through the use of basin plans or other similar water quality and quantity planning efforts. Such local requirements must provide equal protection of receiving waters and equal levels of pollution control as compared to Appendix 1.

Delete – “ordinance or other enforceable”

Delete – more stringent requirements may be used, and/or certain requirements may be tailored to local circumstances. Through the use of basin plans or other similar water quality and quantity planning efforts such local requirements must provide equal protection of receiving waters and equal levels of pollution control as compared to Appendix 1.

C.4.a.iii. - Permittees who choose to use the site planning process, and BMP selection and design criteria in the 2005 *Stormwater Management Manual for Western Washington*, or an equivalent manual approved by the Department, may cite this choice as their sole documentation to meet this requirement.

Add – permittees who choose to use “the required portion of the”. . .

C.4.a.iv. - The program shall include legal authority, through approval of new development, to inspect private stormwater facilities.

Add – “after construction before final approval.”

C.4.c. – An ordinance or other enforceable mechanism to ensure adequate long-term operation and maintenance (O&M) of post-construction stormwater facilities/BMPs that are permitted and constructed pursuant to (b) above. The ordinance or other enforceable mechanism shall be in place no later than two years from the effective date of this permit. At a minimum, this program shall be applied to all sites that disturb a land area 1 acre or greater, including projects less than one acre that are part of a larger common plan of the development or sale. The ordinance or other enforceable mechanism must clearly identify the party responsible for maintenance, require inspection of facilities in accordance with the following requirements, and establish enforcement procedures, and shall include:

Delete – “ordinance or other enforceable”

Delete – “ordinance or other enforceable”

Delete – “ordinance or other enforceable”

Add – Language differentiating implementation of this sections between publicly owned facilities and privately owned facilities

C.4.c.i. – Adoption of maintenance standards that are as protective or more protective than those specified in Chapter 4 of Volume V of the Stormwater Management Manual for Western Washington (2005).

Delete – All of C.4.c.i. The use of Chapter 4 of volume V. This is only guideline.

Add – “more protective than those specified in “the mandatory parts of” Chapter 4. . .”

C.4.c.iv. – Compliance with the inspection requirements in (ii) and (iii) above shall be determined by the presence of an established inspection program designed to inspect all sites.

Add – “by owner of the property” to the end of the sentence.

C.4.d. – A procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records. Records of maintenance inspections and maintenance activities shall be maintained.

Add – “by owner of the property” to the end of the sentence.

C.4.e. – A process to make available copies of the "Notice of Intent for Construction Activity" and/or copies of the "Notice of Intent for Industrial Activity" to representatives of proposed new development and redevelopment. Permittees will continue to enforce local ordinances controlling runoff from construction sites that also require coverage under the Baseline General Permit for Discharges Associated with Industrial Stormwater and/or the General Permit for Stormwater Discharges Associated with Construction Activities.

Delete – “local ordinances” replace with enforceable mechanism

C.5. –Within three years of the effective date of this permit, each Permittee must develop and implement a Pollution Prevention/O&M program.

ADD: “for property owners by permittee.” To the end of the sentence.

C.5.a. – Adoption of maintenance standards that are as protective or more protective than those specified in Chapter 4 of Volume V of the Stormwater Management Manual for Western Washington (2005).

Need to add a sentence at the end of this paragraph that discusses postponement of maintenance to late spring/summer months when major storm events are less likely.

Delete - All of C.5.a. The use of this chapter is only guidance.

Add – “more protective than those “required sections of” specified . . .”

C.5.a. – These standards are violated when an inspection identifies a required maintenance action, and that action is not performed in a timely manner,

Add – “these standards are “violated by the owner of the property””

C.5.c. – Conducting spot checks of potentially damaged treatment and flow control facilities after major storm events. If spot checks indicate widespread damage/maintenance needs, inspect all stormwater treatment and flow control facilities that may be affected. Conduct repairs or take appropriate maintenance action in accordance with maintenance standards established above, based on the results of the inspections.

Add – “Property owner shall conduct” spot checks . . .

Need a definition of a “major” storm event. (0.5 inches in a 24 hour period)

C.5.e. – Compliance with the inspection requirements in a, b, c and d above shall be determined by the presence of an established inspection program designed to inspect all sites.

Add – “owned by the property owner.” To the end of the sentence

C.5.f. - Establishment and implementation of practices to reduce stormwater impacts associated with runoff from public streets, public parking lots, public roads, highways, and public road maintenance activities. The following activities must be addressed:

Add - Compliance with the Regional Road Maintenance Endangered Species Act Program Guidelines will meet or exceed this goal.

C.5.g – Establishment and implementation of policies and procedures to reduce pollutants in discharges from all lands owned or maintained by the Permittee, including but not limited to: parks, open space, road right-of-way, maintenance yards, and at stormwater treatment and flow control facilities. These policies and procedures must address, but are not limited to:

In regards to vegetation disposal, waste disposal is regulated by Solid Waste Regulations not by this permit.

C.5.i - Implementation of non-structural BMPs shall begin immediately after the pollution prevention plan is developed. A schedule for implementation of structural BMPs shall be included in

the SWPPP. Generic SWPPPs that can be applied at multiple sites may be used to comply with this requirement. The SWPPP shall include periodic visual observation of stormwater outfalls and receiving water in close proximity of known stormwater outfalls, during a storm event, to evaluate the effectiveness of BMPs. A visual observation form is provided at

Add - a two year window for implementation. Some non-structural BMPs would be unduly burdensome and not return a commensurate protection of the environment.

C.5.j. – Record keeping of inspections and maintenance or repair activities conducted by the Permittee shall be maintained in accordance with S10, Record Keeping.

Delete – “and maintenance or repair activities”

C.5.j. – that are not covered under the Industrial Stormwater General permit.

Add – “or other appropriate NPDES Permit.”

Special Condition 8.

A. - The SWMP shall include mechanisms to encourage coordinated stormwater-related policies, programs and projects within a watershed and interconnected municipal separate storm sewers. Where relevant and appropriate, the SWMP shall also include coordination among departments within each jurisdiction to ensure compliance with the terms of this permit. No later than 6 months after receiving coverage under this permit the SWMP shall provide for appropriate coordination with the City and County in which the Secondary Permittee is located.

Delete – “and projects within a watershed”

Replace – “6 months” with “2 years.” It takes time to develop policies and programs and SWMP.

B. - This legal authority, which may be a combination of statute, ordinance, permit, contracts, orders, interagency agreements, or similar means, and shall include the ability to:

Legal authority should be defined by the Local Agency Administration.

Delete – “which may be a combination of statute, ordinance, permit, contracts, order, interagency agreements, or similar means,”

B.2 - Prohibit illicit discharges to the municipal separate storm sewer owned or operated by the Secondary Permittee;

Replace – “discharges” with “connections:”

B.3 - Control the discharge of spills and the dumping or disposal of materials other than stormwater into the municipal separate storm sewers owned or operated by the Secondary Permittee;

Delete – of spills and

B.4. - Control the contribution of pollutants from one portion of the municipal separate storm sewer system to another portion of the municipal separate storm sewer system;

Delete – all of S8.B.4.

B.6. - Carry out inspection, surveillance, and monitoring procedures necessary to determine compliance and non-compliance with permit conditions, including the prohibition on illicit discharges to the municipal separate storm sewer.

Replace – “discharges” with “connections:”

D. - At a minimum, Secondary Permittees must comply with applicable State, tribal and local public notice requirements when implementing a public involvement and participation program. The SWMP shall include ongoing opportunities for public involvement and participation through advisory panels, public hearings, watershed committees, participation in developing rate-structures, stewardship programs, environmental activities, volunteer opportunities, or other similar activities.

Delete – state, tribal, and local

E. - The SWMP shall include measures to prevent, identify and respond to illicit discharges, including illicit connections, spills, and improper disposals, which shall include appropriate inspections and reports, and appropriate training and procedures to be used by field staff to recognize, report, and respond to, illicit discharges.

Delete – spills

E.5. - Provide staff training or coordinate with existing training efforts to educate relevant staff on proper best management practices for identifying and preventing spills and illicit discharges. All relevant staff must be trained by the end of the permit term.

Delete – and preventing

E.6. - Identify areas of industrial activity served by the Secondary Permittee's MS4 that require coverage under the Industrial General Permit, determine whether coverage has been obtained, and inform the Department if coverage has not been obtained.

Delete – All of S8.E.6, this is not local agency role.

G.1. - From the date of permit coverage, comply with all relevant ordinances, rules and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern post-construction stormwater pollution prevention measures, including proper operation and maintenance of the MS4.

Delete – “and maintenance”

H. - All Permittees must develop and implement an operation and maintenance program (O&M Plan) that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations into MS4s. Within three years from the date of permit coverage, each Secondary Permittee shall develop a municipal O&M Plan. The O&M plan shall be fully implemented no later than five years from the date of permit coverage.

Delete – “and maintenance”

Delete – “& m”

Delete – “& m”

Delete – “& m”

H.1. - The O&M Plan shall include appropriate pollution prevention and good housekeeping procedures for the following activities and/or types of facilities carried out, or under the functional control of the of the Secondary Permittee:

Delete – “& m”

H.1. –

- Stormwater collection maintenance and conveyance system maintenance
- Drainage/Ditch system maintenance
- Structural stormwater controls
- Roads, highways, and parking lots
- Vehicle fleets (storage, washing, 1 and maintenance)
- Equipment storage and maintenance areas
- Material storage areas
- Parks and open space
- Other facilities that that would reasonably be expected to discharge contaminated runoff

(1st Bullet) *Delete – “maintenance”*

(1st Bullet) *Delete – “maintenance”*

(2nd Bullet) *Delete – “maintenance”*

(6th Bullet) *Delete – “and maintenance areas”*

(9th) Bullet) *Delete – All of (9th Bullet)*

H.2. – The O&M plan shall include pollution prevention/good housekeeping practices at all park areas and other open spaces maintained by the Secondary Permittee. The O&M Plan must address, but is not limited to:

Delete – “& m”

Delete – “& m”

H.3. – The O&M Plan shall include provisions for the regular inspection and maintenance of post-construction structural BMPs. The O&M Plan shall establish facility-specific maintenance standards that are as protective as or more protective than those specified in Chapter 4 of Volume V of the 2005 Stormwater Management Manual for Western Washington. The facility-specific maintenance standards are intended to be conditions for determining if maintenance actions are required as identified through inspection. They are not a measure of the facility's required condition at all times between inspections. Exceeding the maintenance standards between inspections and/or maintenance does not automatically constitute a violation of these standards. However, based upon inspection observations, the inspection and maintenance schedules shall be adjusted to minimize the length of time that a facility is in a condition that requires a maintenance action. These standards are violated when an inspection identifies a required maintenance action, and that action is not performed within 90 days for typical maintenance, within 6 months for revegetation, and within 1 year for maintenance that requires capital construction of less than \$5,000.

Delete – “& m”

Delete – “& m”

Delete – Sentence starting “The O&M plan...”

Chapter 4 is recommended guidance, not regulatory requirement

Add - “those “requirements” specified in Chapter 4 . . .”

Add – “. . . standards are “violated by the owner of the property”. . .”

Special Condition 9.

B.3. – Expenditures for the reporting period, with a breakdown for the components of the stormwater management program.

Delete – All of S9.B.3.

B.6. – An assessment of the appropriateness of the BMPs identified by the Permittee for each component of the SWMP as required in S7.C. this permit and;

The assessment of the appropriateness of the BMPs is Ecology’s role

Delete – All of S9.B.6.

General Conditions

G9.B. – Replace 5 years with 3 years

G10. – Replace 5 years with 3 years

Definitions and Acronyms

Existing Storm water Discharge:

Delete – “and does not include new stormwater sources or new stormwater outfalls.”

Illicit discharge

Add – “entirely of stormwater “or external flow”

Municipal Separate Storm Sewer

Delete – “roads with”

Delete – “municipal streets”

Delete – “wastes”

Delete – “or other wastes.”

New Stormwater Discharges

Delete – “new stormwater sources and”

Add – “...unless required to change any condition as a permit or standard condition” At the end of definition.

New Stormwater Outfalls

Delete 2nd sentence – “A new stormwater outfall may consist of new stormwater sources, existing stormwater sources or a combination of new and existing stormwater sources.”

Add – “except in cases where environmental permits require replacing and existing structure with a different type structure” Bring this definition into concurrence with Appendix 1 and the stormwater manual.

Runoff

Replace - “see Stormwater” *with* – Runoff is the excess of precipitation over evapo-transpiration.

Site –specific information

Add – “Only information collected from studies conducted by or approved by the permittees will be used to determine site-specific information.”

Stormwater

Replace – “means stormwater runoff, snow melt runoff and surface runoff and drainage” *with* – means precipitation runoff collected in manmade stormwater collection and transportation systems

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Add – “...means the mandatory elements of the...”